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MEMO ENDORSED

October 19, 2020

VIA ECF

Hon. Katherine P. Failla
U.S. District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Morales v. New York City Transit et al., Case No. 1:19-cv-07061-KPF

Dear Judge Failla:

We represent Defendants New York City Transit Authority and Manhattan and Bronx Surface Transit Operating Authority (collectively, “NYCTA”) in this matter. We write to inform the Court that the parties have agreed on final terms of settlement, pending signatures by the parties.

In light of the parties’ resolution, NYCTA respectfully requests that its deadline to respond to the Second Amended Complaint be stayed for thirty (30) days, pending the parties’ execution of the Settlement Agreement and subsequent filing of a Stipulation of Discontinuance. Plaintiff consents to this request.

The original due date for NYCTA’s response to the Second Amended Complaint was September 4, 2020. This deadline was extended to October 5 (*see* ECF No. 49) and subsequently to October 19 (*see* ECF No. 52), pending the parties’ settlement discussions. This is Defendants’ third request for an extension to respond to the Second Amended Complaint, and first request for a short stay. This extension will not impact any other deadlines in this case.

Thank you for your consideration.

Respectfully submitted,

/s/ Gena B. Usenheimer

Gena B. Usenheimer

CC: All counsel of record (via ECF)

Application GRANTED. All deadlines and conferences are hereby adjourned. Furthermore, the Court ORDERS that this action be conditionally discontinued without prejudice and without costs; provided, however, that within 30 days of the date of this Order, the parties may submit to the Court their own Stipulation of Settlement and Dismissal for the Court to So Order. Otherwise, within such time Plaintiff may apply by letter for restoration of the action as to Defendants New York City Transit Authority and Manhattan and Bronx Surface Transit Operating Authority to the active calendar of the Court in the event that the settlement is not consummated. Upon such application for reinstatement, the parties shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action as to Defendants New York City Transit Authority and Manhattan and Bronx Surface Transit Operating Authority to its active docket, and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten (10) days of the application, to schedule remaining pretrial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that Plaintiff has not requested restoration of the case to the active calendar within such 30-day period.

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

Dated: New York, New York
October 19, 2020

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE